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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,294	02/10/2004	Martin E. Marcichow	1029-0410	1152

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EXAMINER

RIVELL, JOHN A

ART UNIT PAPER NUMBER

3753

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/775,294	Applicant(s) MARCICHOW ET AL.	
	Examiner John Rivell	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

Applicant's election of the invention of Group I, claims 1-28 in the reply filed on May 25, 2006, "with traverse" is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 29-36 have been canceled. Claims 1-28 remain pending.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 7 and 13 are rejected under 35 U.S.C. §102 (b) as being anticipated by Erickson.

The patent to Erickson discloses a "fluid flow control device of the type having a body (1), a fluid flow path defined in the body including an inlet (at 2), an outlet (60), and a valve seat (25) between the inlet and outlet, and a valve member (24) selectably movable in and out of engagement with the valve seat (25), the improvement comprising a filtering seal disposable in the fluid flow path upstream of the valve seat, the filtering seal comprising: a base member (generally at inlet fitting 3) which defines an inlet (at threaded portion 8) in fluid communication with the flow path's inlet (2), an outlet in fluid communication with the valve seat (25), and an axis between the base member's inlet and outlet; an axial retainer surface (read at left facing surface of flange 10 supporting screen 13) formed on the base member; a radial sealing surface (read at left facing radial sealing surface of flange 4 contacting seal 5) formed on the base

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member (3) and being engageable with the inlet (2) of the control device body (1); and a screen (13) mounted on the base member (3) in engagement with the retainer surface (flange 10), the radial sealing surface (4) being radially spaced from the screen (13) a sufficient distance such that compression of the radial sealing surface (4) will not compress the screen (13)" as recited.

Regarding claim 3, in Erickson, "the base member (3) defines at its inlet (to threaded portion 8) a radial end face" as recited.

Regarding claim 5, in Erickson, "the base member (3) includes an axially-extending holder flange (10), with the axial retainer surface (left facing face) being defined on said holder flange (10)" as recited.

Regarding claim 6, in Erickson, "the base member (3) includes a radially-extending sealing flange (4), with the radial sealing surface being defined on said sealing flange (4)" as recited.

Regarding claim 7, in Erickson, "the base member (3) defines at its inlet a radial end face (at flange 4) and the sealing flange (the sealing portion of flange 4) has an end face which is coplanar with the end face (at 4) of the base member" as recited.

Regarding claim 13, in Erickson, "the base member (3) has an annular shape" as recited.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Hendrix.

The patent to Erickson discloses all the claimed features with the exception of having a plurality of locator members attached to the base member and engageable with the inlet of the control device body.

The patent to Hendrix discloses that it is known in the art to employ a plurality of filter element locating devices including pin 61 and tabs 54 for the purpose of properly locating and aligning the filter element 20 in its proper assembled location.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Erickson a plurality of locating elements on the filter mounting element 3 for the purpose of properly locating and aligning the filter element in its assembled location as recognized by Hendrix.

Regarding claim 4, as suggested by either pin 61 of tab 54, the device if the combination would include "at least one boss protruding from the end face" as recited.

Claims 8-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Jardin.

The patent to Erickson discloses all the claimed features with the exception of having "a plurality of legs attached to the base member and extending therefrom, and a screen support member attached to the legs".

The patent to Jardin discloses that it is known in the art to employ a filter support member generally at cartridge 4, including a plurality of individual "legs" 8 supporting a filter element, generally at 11, from within the filter element for the purpose of preventing the filter element from collapsing.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Erickson a plurality of legs extending from base member 3, supporting filter element 13 from within the filter element for the purpose of preventing the filter element from collapsing as recognized by Jardin.

Regarding claim 10, in Erickson, as modified, "the screen support member (3 and legs thereof) further comprises an axial retainer surface (at flange 10) in engagement with the screen (13), and a body sealing surface (at flange 4) engageable with the control device body (1)" as recited.

Regarding claim 11, in Erickson, "the body sealing surface (at flange 4) is arranged axially on the screen support member" 3 as recited.

Regarding claim 14, in Erickson as modified, "the screen has a cylindrical portion the inside diameter of which is engaged with the axial retainer surface" at the exterior surface of the legs taught by Jardin, as recited.

Claims 16-28 are allowed.

Claims 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**

j.r.